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PTO/SB/21 (09-04)
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	101766406
	Filing Date	01/28/2004
	First Named Inventor	Jain
	Art Unit	2875
	Examiner Name	Husar
Total Number of Pages in This Submission	Attorney Docket Number	A 401

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Anvik Corporation	
Signature	Carl C. Kling	
Printed name	Carl C. Kling	
Date	12/22/2005	Reg. No. 19137

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	Carl C. Kling	
Typed or printed name	Carl C. Kling	Date 12/22/2005

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PTO/SB/17 (12-04v2)
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/766 406
TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	01/28/2004
		First Named Inventor	URIN
		Examiner Name	HUSAR
		Art Unit	2875
		Attorney Docket No.	A401

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 01-2142 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - 20 or HP = 4 x 25 = 100

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - 3 or HP = 1 x 100 = 100

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ / 50 = _____ (round up to a whole number) x _____ = _____		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**

Other (e.g., late filing surcharge): _____

SUBMITTED BY		
Signature	<u>Carl C. Kling</u>	Registration No. <u>19137</u>
Name (Print/Type)	<u>Carl C. Kling</u>	Telephone <u>(914) 345-2442</u>
		Date <u>12/22/2005</u>

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Date

Carl C. Kling
Signature

Carl C. Kling, General Counsel, Anvik Corporation

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Application of : K. Jain
Serial Number : 10/766,406
Filing Date : 01/28/2004
Title : COMPACT, HIGH-EFFICIENCY, ENERGY-
RECYCLING ILLUMINATION SYSTEM
Subject : **Traversal of Restriction and
Provisional Election Pursuant to Restriction**
Date : December 22, 2005

Sir :

Applicant, advised by counsel of the requirement to make an election, traverses the Restriction in accordance with the rule stated in 37 CFR 1.143 and MPEP 8.18,03 and following, preserves the right to petition from the restriction, and provisionally elects the grouping of figures identified as follows:

“Species 1-Figs. 2-4, and 27”

In the matter of the above-captioned patent application, the Examiner provides a 14-way restriction based entirely on figures groupings. Applicant traverses the restriction in its entirety, on the ground of lack of necessity under all double patenting rules, and on the secondary ground of absence of separateness and distinctness as required by MPEP 806C. Further, Applicant pleads that — even if the 14-way restriction might be partially – or even wholly -- within the discretion of the Examiner and therefore not reversible error—the Examiner exercise his jurisdiction to waive all restriction in this case in the interests of justice and mutual economy.

12/29/2005 CCHAU1 00000061 012142 10766406

01 FC:2202 100.00 DA
02 FC:2201 100.00 DA

For reasons to be explained in the Remarks, Applicant respectfully requests the Examiner to include Figs. 1, 5-7, 13-19 and 28 in the figures grouping elected, which is identified as “Species 1” but lists only Figs. 2-4 and 27.

The Examiner did not provide any grouping of claims. Counsel urges the Examiner to include in this provisionally-elected grouping the following sets of claims, each set headed by an independent claim which counsel represents as “generic.”

Claim 1 set, Claim 4 set, and new Claim 79 set. Each of these sets includes a generic claim and respectively- dependent claims listed in the following table

Dependent on Claim 1	Dependent on Claim 4	Dependent on Claim 79
12-14, 17-20, 23,	5-12, 21	80-82
12-14; 17-20; 22-23; 26-34; 38; 52-56		

Note: Each of the fourteen figure groupings in the restriction includes one to four of 32 total figures (Figures 1-28 plus Figures 6A, 11A, 16A and 20A). Figures 1, 5, 7 and 14 were not included in any of the fourteen figure groupings. Counsel has included Figure 1 in this election, in the same figure group as Figures 2-4 and 27, subject to approval by the Examiner.

The Examiner has stated “Currently, there appear to be no claims ... which are considered generic.” Counsel asks that the Examiner reconsider Claim 1, Claim 4 and new Claim 79, and find them to be generic. Reasons for such “generic” findings are to be included in the Remarks.

Counsel thanks the Examiner for the discussion by telephone December 13, 2005. This discussion will be very helpful in reconciling the restriction by figure groupings with the necessary grouping of actual claims. In nearly fifty years of practice, this is counsel’s first experience with such restriction by figure groupings and he was reluctant to provide his own claim groupings absent specific authority in MPEP or rules.

The Examiner has made no designation of class and subclass. Counsel suggests Class 355 / subclass 67. Counsel also suggests that all figure groupings in the 14-way restriction, despite nuancial differences displayed, are properly included in a single search in the files of an examining division dealing with industrial optics.

Applicant has made a provisional election. Applicant, however, traverses the restriction on grounds of absence of necessity, absence of double patenting, and presence of increasing confusion to the public projected from the likelihood of multiple virtually-identical divisional applications. Applicant also requests that the Examiner exercise his discretion to waive all restriction requirements in this case on grounds of elimination of huge costs both to applicant and to the USPTO, and also to avoid confusion to the public

through likely proliferation of heavily-overlapping, virtually-identical patent coverage. Such confusion to the public is predictable from resulting divisional applications required to preserve minimum coverage of the invention.

Counsel has been unable to reconcile any claim grouping with the figure groupings provided by the Examiner. Counsel acknowledges that the MPEP authorizes such figure groupings at MPEP 809.02(a) as pointed out by the Examiner, but asks for reconsideration because there is no identifiable relationship between such figure groupings and actual embodiments, much less relationship between such figure groupings and actual claim groupings. Indeed, there now are fourteen claims presented independently, but such independent claims do not in any way form in groups to match the fourteen figure groupings.

Counsel respectfully traverses the restriction in its entirety.

If the Examiner persists in the fourteen-way restriction, or even amends it down to a two-way restriction or some intermediate restriction, the Examiner is asked to provide the following, in compliance with the spirit of MPEP 816-817:

1. An examination on the merits for all claims remaining per the election.
2. A concise statement, for each identified species, of the particular reasons relied on by the Examiner that the inventions as claimed are either independent or distinct.
3. If the Examiner should rely on combination/subcombination as reason for